

Remarks

Claims 1-4, 6-21, 23-29, and 31-39 are pending in the application. Claims 2, 3, 6-9, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24, 26-28, 31-33, 35, 36, 38 and 39 have been withdrawn from consideration pursuant to a restriction requirement by the Examiner. Claims 5, 22 and 30 have been canceled without prejudice to or disclaimer of the subject matter therein.

Objection to the Disclosure

Withdrawal of the objection to the disclosure is respectfully requested in view of the amendment to the specification set forth above.

Claim rejections

Section 112

Claims 1, 4 and 5 were rejected under 35 USC 112, second paragraph. Claim 5 has been canceled. Withdrawal of the rejection of claims 1 and 4 is respectfully requested in view of the amendments thereto set forth above.

Section 102

Claims 1, 4, 5, 10, 22, 25, 29, 30, 34 and 37 were rejected under 35 USC 102(b) as being unpatentable [sic; anticipated] by Kato (JP 10261421, US equiv. 6,127,059) (hereafter, "Kato"). Claims 5, 22 and 30 have been canceled. The Applicant respectfully traverses the rejection of claims 1, 4, 10, 25, 29, 34 and 37.

Kato does not support the asserted rejection of claim 1 for at least the reason that Kato does not disclose a "water-repellent layer with a multi-layer structure including an inner layer and an outer layer different in adhesiveness and strength to each other" as recited in claim 1. The Examiner points to col. 1, lines 15 et seq, col. 1, lines 29-31 and col. 6 lines 4-8 as disclosing the claimed feature (Office Action, page 4, item 11). The Applicant respectfully disagrees. None of the cited passages discloses a multi-layer water-repellent layer as claimed, but only single-layer structures. Accordingly, claim 1 is allowable over Kato.

Claims 4 is allowable over Kato for at least the reason that claim 4 recites "said water-repellent layer including a filament as a structural reinforcement element" (please note the distinction between a yarn filament and a filament formed in a binder – see, e.g., element "C" in FIG. 11). Kato is silent as to any such binder filament.

Along lines discussed above, claim 10 is allowable over Kato for at least the reason that claim 10 recites a "water-repellent layer with a multi-layer structure including an inner layer and an outer layer different in adhesiveness and strength to each other"

Claim 25 is allowable over Kato for at least the reasons discussed in connection with claim 1, above.

Claim 29 is allowable over Kato for at least the reason that Kato does not disclose "said two kinds of binders include a first binder made from a synthetic resin having an adhesiveness and a second binder made from material having a higher rigidness than said synthetic resin of said first binder," as recited in claim 29. In particular, the disclosure cited by the Examiner, col. 4, lines 50-56 does not anticipate the claimed feature. The Applicant further does not find support in Kato for the Examiner's contention that "of the materials disclosed by Kato, the order of use determines which material will have a higher rigidness."

The Examiner's remarks concerning "relative to the materials at hand" and "change with any reference" are noted. However, while it is true that claim 29 recites a comparative relationship, the relationship itself is invariant.

Finally, claims 34 and 37 are allowable for at least the reason that Kato does not disclose "said synthetic resin ... deformed into filaments" as recited in each of claims 34 and 37. The Examiner points to col. 5, line 46 as disclosing filaments. However, the filaments mentioned there are yarn filaments, not resin filaments.

In view of the foregoing, withdrawal of the rejection of claims 1, 4, 10, 25, 29, 34 and 37 as anticipated by Kato is respectfully requested.

Claims 13 and 16 were rejected under 35 USC 102(e) as being unpatentable [sic; anticipated] by Campbell (US 5,863,673) (hereafter, "Campbell"). The Applicant respectfully traverses. Campbell does not disclose "a carbonized yarn constructed of a woven fabric, and ... a conductive synthetic resin binder impregnated into the

carbonized yarn thereby connecting filaments of the yarn, said binder being solidified and non-carbonized" as recited in each of claims 13 and 16. The Examiner points to col. 3, lines 1-2, col. 4, lines 13-21, col. 6, line 67, col. 7, lines 1-3 and Table 2 of Campbell as disclosing the features of claims 13 and 16. However, the cited portions only disclose "carbon fiber mats includ[ing] non-graphitized materials" (col. 3, lines 1-2) (no mention of a non-carbonized binder); "an electrically conductive filler compris[ing] a binder" (col. 4, lines 13-21) (no disclosure that the binder is non-carbonized); and "materials used in preformed webs" (col. 6, line 67, col. 7, lines 1-3 and Table 2) (no mention of a non-carbonized binder). Accordingly, claims 13 and 16 are allowable over Campbell. Withdrawal of the rejection of claims 13 and 16 as being anticipated by Campbell is therefore respectfully requested.

Claim 19 was rejected under 35 USC 102(e) as being unpatentable [sic; anticipated] by Beattie et al. (US 6,667,127) (hereafter, "Beattie"). The Applicant respectfully traverses. Claim 19 is allowable over Beattie for at least the reason that Beattie does not disclose a "first portion of said base layer including a relatively large amount of the binder is impregnated constructing a rigid portion of said base layer and a second portion of said base layer including a relatively small amount of the binder is impregnated constructing a deformable portion of said base layer." While Beattie does disclose that "carbonization product may distributed in an uneven manner" (col. 8, lines 66-67, cited by the Examiner), this does not anticipate the claimed structure, which calls for a "rigid portion" and a "deformable portion." The other passages of Beattie cited by the Examiner are also silent as to the claimed structure. For example, col. 9, lines 59-64, cited by the Examiner, only mention a "thicker" diffusion layer. Col. 11, line 13, only refers to increased "stiffness" without any mention of a deformable portion. Withdrawal of the rejection of claim 19 as being anticipated by Beattie is therefore respectfully requested.

Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: MARCH 9, 2005 By: 
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